



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/869,487	06/28/2001	Klaus Homann	HOM 100	4100

26568 7590 09/24/2003

COOK, ALEX, MCFARRON, MANZO, CUMMINGS & MEHLER LTD
SUITE 2850
200 WEST ADAMS STREET
CHICAGO, IL 60606

EXAMINER

VO, HIEN XUAN

ART UNIT	PAPER NUMBER
----------	--------------

2863

DATE MAILED: 09/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/869,487

Applicant(s)

HOMANN ET AL.

Examiner

Hien X. Vo

Art Unit

2863

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 20 May 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 11,12 and 14-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 11,12 and 14-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other:

DETAILED ACTION

Response to Amendment

1. Claims 11-12 and 14-20 are presented for examinations.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless -

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claims 11, 14-16 and 20 are rejected under 35 U.S.C. 102(b) as being anticipated by Bloomfield et al. (U.S. Patent No. 5,446,445).

With respect to claim 11, Bloomfield et al. disclose a mobile detection system including a mobile measuring device for monitoring a fire, gas leak (see e.g. abstract), an electronic navigation system (see e.g. col. 2, lines 18-23), a computer unit with a geographic information and documentation system (see e.g. col. 2, lines 10-14).

no disclosure

With respect to claims 14-16, Bloomfield et al. disclose the invention as claimed including an acoustic and/or optical guidance of an operator (see e.g. col. 5, lines 8-25), a supporting wheel (see e.g. Fig. 1) and the supporting/measuring wheel, a record of the path covered is recorded by the computer unit (see e.g. col. 5, lines 26-52) .

Claim 20 is a method claim corresponding to apparatus claim 1. Therefore, claim 20 is rejected for the same rationales set forth for claim 1.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 12, 17-19 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bloomfield et al. (U.S. Patent No. 5,446,445) and further in view of Henningsen et al. (U.S. Patent No. 5,946,095) .

With respect to claims 12 and 17-19, Bloomfield et al. disclose the invention as claimed including supporting/measuring wheel, sensors, gyroscope (see e.g. Figs. 1-2b) except for teaching a satellite position measuring system. Henningsen et al. disclose a natural gas detection including a satellite position measuring system (see e.g. Fig. 3, item 315 and col. 5, line 56). Therefore, it would have been obvious to modify the navigation means in the system of Bloomfield et al. by including a GPS as taught by Henningsen et al. because much of the underground natural gas net work is located beneath streets and a gas detection device must be able to detect gas leaks under varied and extreme environmental condition. Therefore, a GPS should be used with alternative detection device to retrace the path of gas lines more quickly and accuracy.

Applicant's arguments filed on 11/07/2002 with respect to claims 1-10 which have been canceled and the new claims 11-20 have been considered but are moot in view of the new ground(s) of rejection.

Response to Arguments

6. Applicant's arguments filed on 05/20/2003 have been fully considered but they are not persuasive.

The applicant argued that the prior art of record (Bloomfield et al. and Henningsen et al.) fails to teach an electronic navigation system able to guide an operator along a predefined track, and can not combine the teaching of Bloomfield et al. Henningsen et al.

The examiner disagrees because Blomfield et al. teaches the claimed language/subject matter by teaching the navigation means and microcomputer means for monitoring region of space, the underground gas distribution network pipeline, a GPS receiver,. Although, Bloomfield et al. disclose a mobile detection system with a smaller, home-type applicant but that was built in with high technology such as microcomputer for monitoring a region of space, navigation means to detect a gas leak of the environment or the region of space. Therefore, the prior art still read on the limitations of the claims of the present invention.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of

Serial No.: 09/869,487
Art Unit: 2863

6

the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Hien Vo, whose telephone number is (703)308-5253. The examiner can normally be reached on Monday-Friday from 9:30 AM-5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow, can be reached on (703)308-3126.

Any response to this action should be mailed to:

Commissioner of Patents and Trademarks
Washington, D.C. 20231

or faxed to:

(703) 872-9306 (for informal or draft
communications, please label "PROPOSED" or
"DRAFT")

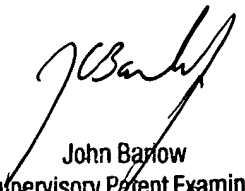
Hand-delivered responses should be brought to Crystal Plaza 4, Arlington, VA.,
Fourth Floor (Receptionist).

Serial No.: 09/869,487
Art Unit: 2863

7

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (703)305-4900.

HIEN VO
September 22, 2003


John Barlow
Supervisory Patent Examiner
Technology Center 2800